



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/593,558	09/20/2006	Yoshihiro Ichikawa	046262-0137	1633
23428 7590 03/17/2010 FOLEY AND LARDNER LLP SUITE 500 3000 K STREET NW WASHINGTON, DC 20007				
EXAMINER				
GARCIA, CARLOS E				
ART UNIT		PAPER NUMBER		
2627				
MAIL DATE		DELIVERY MODE		
03/17/2010		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/593,558

**Applicant(s)**

ICHIKAWA ET AL.

**Examiner**

CARLOS E. GARCIA

**Art Unit**

2627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 8-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 8 is/are rejected.
- 7) ☒ Claim(s) 9-11 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 September 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/22)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_
- Paper No(s)/Mail Date 9/20/2006

## NON-FINAL REJECTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless – (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claim 8 is rejected under 35 U.S.C. 102(b) as being anticipated by Ahn (US 5784344 A).

Re claim 8: Ahn discloses a disk changer comprising:

a disk accommodating unit (left-most portion of Fig.3, primarily unit 1 which holds the disk trays) that accommodates a plurality of disk trays 5, each of the disk trays holding one disk 3;

a disk processing unit (all components shown in Fig.3-4) that reproduces data from or records data to a loaded disk; and

a loading mechanism (Fig.3-6) that loads a selected disk together with the disk tray from the disk accommodating unit to a position of the disk processing unit (Fig.7A-7D), wherein

the loading mechanism (col.2, lines 40-51) includes

a tray drawing pinion 11 provided in the disk processing unit;

a disk tray 2 (since the claim does not clearly disclose which tray is being claimed; this limitation is interpreted as any other tray-like member) that is accommodated in the disk accommodating unit and includes a tray rack 13 engaged with the tray drawing pinion (col.2, lines 52-54); and

a rack plate 6 that includes a tray drawing rack 14 engaged with the tray drawing pinion (col.3, lines 4-6), is extendably attached to the disk tray (col.2, lines 47-52), draws a tray 5 in at a first half process of the loading (the process of loading a selected tray into play position in Fig.7A-7B; col.3, lines 4-37), and stops the tray at a second half process (the process after loading the disk into play position of Fig.7C, and further removing the disk tray 5 away from the disk 3) of the loading to relay a subsequent drawing to the tray rack (the process of removing a disk tray in Fig.7D, for example, wherein the tray is removed from the inside of the disk device by way of rack 13).

***Allowable Subject Matter***

3. Claims 9-11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

4. The following is a statement of reasons for the indication of allowable subject matter:

As the closest reference, Ahn discloses a disk changer device as discussed above.

However, Ahn fails to show “*wherein the disk processing unit includes*

*a stopper that stops the rack plate at a position where the rack plate is drawn in by a predetermined distance; and*

*a guide groove that guides loading of the rack plate and the disk tray,*

*a second recess is formed near a rack plate inlet of the guide groove,*

*a first recess is formed on the disk tray, and*

*the rack plate includes*

*an abutting unit that abuts on the stopper when the rack plate is drawn in by the predetermined distance;*

*the tray drawing rack formed from an end portion to a position of the tray drawing pinion when the abutting unit abuts on the stopper; and*

*a locking unit that engages with the first recess in a maximum extended state of the rack plate, and is pushed out of the first recess when the abutting unit abuts on the stopper and pushed into the second recess to release engagement with the disk tray”, as recited in claim 9; or*

*“wherein the tray drawing pinion is driven by a motor that activates a clamp cam in the disk processing unit”, as recited in claim 10; or*

*“wherein each of the disk trays is for vertically placing a disk, the disk trays are arranged in a radial pattern, and the disk processing unit is rotated around a predetermined vertical shaft to face a disk tray loaded by the loading mechanism”, as recited in claim 11.*

These features, in combination with the other features of the claims, are not anticipated by, nor made obvious over, the prior art of record.

#### ***Conclusion***

5. The prior art made of record in PTO-892 Form and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CARLOS E. GARCIA whose telephone number is (571)270-1354. The examiner can normally be reached on M-Th 9am-5pm F 9am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Andrea can be reached on 571-272-4483. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/C. E. G./  
Examiner, Art Unit 2627  
3/12/2010

/William J. Klimowicz/  
Primary Examiner, Art Unit 2627